

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID RAY SHAVER,

Defendant.

CR 21–10–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations in this matter on June 2, 2021. (Doc. 21.) Neither party objects, and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge DeSoto recommended this Court accept David Ray Shaver’s guilty plea after he appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to possess with the intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, as set forth in Count I of the Indictment.

The Court finds no clear error in Judge DeSoto's Findings and Recommendation, and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. Accordingly,

IT IS ORDERED that the Findings and Recommendations (Doc. 21) is ADOPTED in full. Shaver's motion to change plea (Doc. 14) is GRANTED and he is adjudged guilty as charged in Count I of the Indictment.

DATED this 18th day of June, 2021.



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Dana L. Christensen, District Judge  
United States District Court